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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

Work of the Advisory Board on Disarmament Matters

Report of the Secretary-General

Summary

The Secretary-General's Advisory Board on Disarmament Matters held its forty-ninth and fiftieth sessions, respectively, in New York from 20 to 22 February and in Geneva from 9 to 11 July 2008. In order to improve its method of work, the Board agreed to focus its deliberations during both sessions on three agenda items (a) issues of energy security and environment in the field of disarmament and non-proliferation, (b) the "Hoover Plan" for nuclear disarmament: multilateralism and the United Nations dimension and (c) emerging weapons technologies, including outer space aspects (a continuation of discussions from the forty-eighth session in 2007).

Regarding the issue of energy security and the environment, the Board encouraged a broader dialogue on the peaceful use of nuclear energy, including the various proposals for the establishment of national and multilateral nuclear fuel supply arrangements under a multilateral framework.

Following its exchange of views on the "Hoover Plan", the Board recommended that the Secretary-General should continue strengthening his personal role in generating political will in the field of nuclear disarmament and non-proliferation. It also recommended that he should seize the momentum created by the Plan and encourage wider discussions regarding its objectives, with the United Nations possibly acting as a multilateral forum for such discussions.

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With regard to the topic of emerging weapons technologies, including outer space issues, the Board suggested that the Secretary-General continue to raise awareness of the risks/threats related to emerging weapons technologies as well as the need for a dialogue between Governments and the scientific community on emerging technologies with military applications, and developed further its proposal for the Secretary-General to consider the establishment of a high-level panel, including eminent scientists, on the issue of emerging weapons technologies, including outer space aspects, and its possible implications for international peace and security.

As the Board of Trustees for the United Nations Institute for Disarmament Research, the Board adopted the Institute's 2008 programme budget and approved for submission to the General Assembly the report of the Director of the Institute on its activities from August 2007 to July 2008, as well as the proposed programme of work and budget for 2008-2009. In connection with the selection of a new Director for the Institute, the Board sent its recommendations to the Secretary-General.

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I. Introduction

1. The Advisory Board on Disarmament Matters held its forty-ninth and fiftieth sessions, respectively, in New York from 20 to 22 February and in Geneva from 9 to 11 July 2008. The present report is submitted pursuant to General Assembly resolution 38/183 O. The report of the Director of the United Nations Institute for Disarmament Research (UNIDIR), approved by the Advisory Board serving as its Board of Trustees, has been submitted in a separate document (A/63/177).

2. Adam Daniel Rotfeld of Poland chaired the two sessions of the Board in 2008.

3. The present report summarizes the Board's deliberations during the two sessions and the specific recommendations it conveyed to the Secretary-General.

II. Substantive discussions and recommendations

A. Issues of energy security and the environment in the field of disarmament and non-proliferation

4. The Board exchanged views on issues of energy security and the environment, and their impact on the field of disarmament and non-proliferation. The background for that agenda item was recognition that the continuously rising global demand for energy and the ensuing competition for energy resources had a significant impact on international peace and security.

5. The Board had before it food-for-thought papers on the agenda item prepared by two members, Mahmoud Karem and Carolina Hernandez.

6. The Board also heard a presentation by an expert, Arjun Makhijani, President of the Institute for Energy and Environmental Research, on the ideas contained in his recently published scientific study, entitled *Carbon-Free and Nuclear-Free: A Roadmap for U.S. Energy Policy*,[1] concerning the ways in which the United States of America could attain energy security with a zero carbon dioxide economy without resort to nuclear energy.

7. The issue of nuclear energy dominated the discussions on the agenda item. Many members agreed that the simultaneity of proliferation and energy concerns had created both political and economic obligations to address questions pertaining to the peaceful use of nuclear energy in a more concrete and urgent manner. Many Board members reiterated the right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to obtain nuclear technology for peaceful purposes under the terms of the Treaty. In particular, there was some emphasis that all States parties to the Treaty had the right to pursue peaceful, civilian-use nuclear energy in cooperation with States, in a position to do so, that already had nuclear capabilities, including enrichment capabilities. Members also stressed the importance of reconciling the right to the peaceful use of nuclear energy under article IV of the Treaty and the need to strengthen the non-proliferation regime.

[1] Arjun Makhijani, *Carbon-Free and Nuclear-Free: A Roadmap for U.S. Energy Policy* (a joint project of the Nuclear Policy Research Institute and the Institute for Energy and Environmental Research) (IEER Press and RDR Books, 2007).

8. Numerous opinions were expressed on the need to address the issue of securing the nuclear fuel cycle to ensure non-diversion and provide States parties to the Treaty with peaceful nuclear power. Many members mentioned the need to develop arrangements for ensuring the reliable supply of fuel as a means of achieving the long-term sustainability of the production of nuclear energy. While welcoming various proposals regarding the nuclear fuel cycle and acknowledging their contribution to non-proliferation efforts, many members underscored the need to bring the discussion to a credible multilateral framework.

9. Certain members also stressed the importance of establishing a non-discriminatory system and some specifically warned against creating another divide between haves and have-nots. One member also stressed the importance of addressing the legitimacy of any future nuclear fuel cycle mechanism. While some members discussed economic aspects, others emphasized the need to take into account political and security aspects, noting that political and strategic aims drove certain countries to pursue enrichment and reprocessing programmes. It was also mentioned that a new multilateral mechanism regulating access to the nuclear fuel cycle should entail multilateral assurances of the supply of fissile material for energy purposes. To facilitate the establishment of such a new mechanism, the necessity for a multilateral treaty banning the production of fissile material for nuclear weapons, as well as financial arrangements, was mentioned. Members commented on ongoing initiatives as well as proposals for the establishment of international uranium enrichment centres placed under International Atomic Energy Agency (IAEA) safeguards that would ensure stable supplies of nuclear fuel and assure non-diversion to weapons purposes. One member commented that a multilateral treaty banning the production of fissile material for nuclear weapons would facilitate the establishment of a new discipline for the nuclear fuel cycle.

10. The issue of the safety of nuclear materials was also discussed. Some members stressed that the security of nuclear facilities, including enrichment facilities, energy centres and nuclear waste materials warranted greater attention in the form of multilateral cooperation to combat possible attacks. One member expressed concern over the vulnerability of shipments by land or sea of spent nuclear fuel and reprocessed uranium for use in nuclear reactors worldwide owing to possible accidents or terrorist acts. The view was also expressed that the protection of energy and transit routes should not be tied to any global initiative.

11. One member called for support for efforts to "depoliticize" the discussions on nuclear energy. Several members were of the view that there was a need to involve the general public in a global debate on the advantages and disadvantages of nuclear energy.

12. Members stressed the importance of examining the negative implications of the search for energy security for the environment and non-proliferation. Some members expressed different views on the future role of nuclear energy, with some advocating further development of nuclear energy as green and clean energy and others highlighting proliferation risks and environmental damages. It was noted, however, that a broad debate on energy security was not within the disarmament and security mandate of the Board. A number of members underscored the important role of IAEA in addressing such issues.

13. The Board also considered related non-proliferation concerns. One member proposed to negotiate, within the IAEA framework, another legally binding

instrument (a second additional protocol) on the peaceful use of nuclear energy, which would contain provisions on the interpretation of article IV in relation to articles I and II, especially non-proliferation. Another member emphasized the need to establish linkages between development and non-proliferation concerns so that multilateral mechanisms could be developed to tackle the energy and proliferation problems.

14. The Board underlined the importance of building confidence and mutual trust among States in that field. Some members welcomed the idea of regional security dialogue, including discussions on the peaceful use of nuclear energy among Middle Eastern countries. One member added, however, that as long as energy problems persisted, concerns over a "nuclear energy renaissance" were confined not only to the Middle East but also to all regions of the globe. Moreover, the Board exchanged views on the issue of Iran's nuclear programme, with concern expressed about its political and strategic aims. While members expressed diverse views on the question, several emphasized the centrality of the issue in addressing the concerns about energy security and nuclear proliferation.

15. Members also commented on the contribution of nuclear-weapon-free zones to non-proliferation goals while promoting the peaceful use of nuclear energy. In addition, they discussed the issue of verification, in particular in the context of non-compliance with safeguards obligations. The Board also noted the political commitment of the recent G-8 Summit in Japan with respect to the strengthening of the non-proliferation regime.

Recommendation

16. **The Board suggested that the Secretary-General encourage a broader dialogue on the peaceful use of nuclear energy, including the various proposals for the establishment of national and multilateral nuclear fuel supply arrangements under a multilateral framework.**

B. The "Hoover Plan" for nuclear disarmament: multilateralism and the United Nations dimension

17. For its second agenda item, the Board discussed the so-called "Hoover Plan", or the Nuclear Security Project, a proposal launched in 2007 by former high-ranking United States officials.[2] The Board explored the implications of that private initiative relative to multilateral efforts towards nuclear disarmament and non-proliferation.

18. Two members, Kate Dewes and Michael Clarke, presented food-for-thought papers on the topic at the forty-ninth session.

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[2] The Project builds on the 4 January 2007 *Wall Street Journal* op-ed article by two former United States Secretaries of State, George Shultz (1982-1989), currently a distinguished fellow at the Hoover Institution at Stanford University, and Henry Kissinger (1973-1977), currently Chairman of Kissinger Associates, as well as Bill Perry, former Secretary of Defense (1994-1997), and Sam Nunn, former Senator and Chairman of the Senate Armed Services Committee. The article links a vision of a world free of nuclear weapons with urgent steps designed to reduce nuclear dangers. See www.nuclearsecurityproject.org.

19. At the forty-ninth session, a presentation was provided by Thomas Graham, Jr., Chairman of the Board of the Cypress Fund for Peace and Security, who was among the original endorsers of the op-ed article.[3] He gave a detailed description of various aspects of the Plan, including its history, motivation and future development. At the fiftieth session, the Board heard a presentation by Rolf Ekéus, Chairman of the Governing Board of the Stockholm International Peace Research Institute and former Executive Chairman of the United Nations Special Commission on Iraq from 1991 to 1997, who stressed that verification was pivotal to the success of the Plan's proposals for a nuclear-weapons-free world.

20. Given the Plan's national and trans-Atlantic character, several members stressed the need to expand the discussion to its multilateral aspects. It was stated that the Plan originated from former Government officials and was thus outside the official United States political arena. Other questions were raised about the Plan's added value since many ideas contained in the Plan were not considered to be new. Some members also noted that certain ideas in the Plan were unrealistic and underscored the importance of consolidating and revising the Plan in such a way as to make it more comprehensive, focused and achievable.

21. Some stressed that the Plan was not relevant to other regional and subregional contexts, in particular the Middle East region. It was proposed that in order to obtain wider international interest, the Plan would need to develop coherent proposals for nuclear issues relevant to other regions, such as the Middle East and North-East Asia.

22. While acknowledging the diverse opinions about the Plan, many members underlined its significance, in particular in terms of its timing and the momentum it had created before the United States presidential election. Importance was also attached to the Plan's authors, noting their expertise, credentials and political influence. Several members emphasized the importance of translating the proposals into actual policy. Consequently, some members suggested that the United Nations would be a suitable forum where the Plan's proposals could be discussed and synthesized. Others commented on the need to discuss the Plan in the Nuclear Non-Proliferation Treaty framework.

23. Some members proposed a track II approach, with the five permanent Members of the Security Council discussing the Plan's merits initially and then moving to a wider discussion involving States not parties to the Nuclear Non-Proliferation Treaty and non-nuclear-weapon States. There were some suggestions that the Advisory Board could search for ways and means for the Secretary-General to bring the Plan to the attention of global policymakers. Some members also suggested that the Secretary-General should be advised to express support for the Plan. However, it was proposed instead that the Board advise the Secretary-General to seize the momentum created by the Plan and try to encourage broader discussions on it.

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[3] A conference organized by George Shultz and Sidney D. Drell was held at the Hoover Institution to reconsider the vision that former Presidents Reagan and Gorbachev brought to Reykjavik in 1986. In addition to Messrs. Shultz and Drell, the following participants endorsed the view in the statement: Martin Anderson, Steve Andreasen, Michael Armacost, William Crowe, James Goodby, Thomas Graham, Jr., Thomas Henriksen, David Holloway, Max Kampelman, Jack Matlock, John McLaughlin, Don Oberdorfer, Rozanne Ridgeway, Henry Rowen, Roald Sagdeev and Abraham Sofaer.

24. The Board members also exchanged views on other issues related to nuclear disarmament and non-proliferation. One member commented that instead of opposing the objectives of nuclear disarmament under the terms of article VI of the Nuclear Non-Proliferation Treaty or of making one objective dependent on the other in a purely sequential manner, it would be more promising for the international community to encourage a mutually reinforcing approach of those objectives with a view to undiminished global and regional security.

25. It was also stated that there was a growing worldwide consensus regarding the dangers of proliferation and that there was increasing support for the Nuclear Non-Proliferation Treaty as the cornerstone of international security. It was suggested that the Secretary-General could welcome the ongoing efforts by Treaty nuclear-weapon States towards decreased reliance on nuclear weapons for their national security, as well as towards the reduction of nuclear weapons globally. Another member, however, expressed support for the 1996 advisory opinion of the International Court of Justice to negotiate complete nuclear disarmament in good faith. It was also suggested that both nuclear and non-nuclear-weapon States propose and implement confidence-building measures, such as the strengthening of nuclear-weapon-free zones.

26. The importance of a personal role by the Secretary-General, as well as by the Special Representative for Disarmament Affairs, in generating political will in the field of nuclear disarmament and non-proliferation was underlined. In that context, a suggestion was made for a "friends of the Chair" mechanism, similar to the 1995 Review and Extension Conference of the Parties to the Treaty for the 2010 Review Conference, with perhaps the Special Representative for Disarmament Affairs, the Director-General of IAEA and the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization assisting in the negotiation process, especially during the final week of the Review Conference.

27. Some members also stressed the need to seriously address regional disarmament and arms control issues and called for broader regional and subregional approaches. In that respect, some members also underlined the importance of taking note of existing regional differences.

28. A suggestion was also made to consider the role and function of existing multilateral documents, such as General Assembly resolutions and consensus language from the Nuclear Non-Proliferation Treaty Review processes, in seeking a path towards nuclear disarmament and non-proliferation.

Recommendations

29. **The Board made the following recommendations:**

(a) The Secretary-General should continue to strengthen his personal role in generating political will in the field of nuclear disarmament and non-proliferation;

(b) The Secretary-General should seize the momentum created by the Nuclear Security Project ("Hoover Plan") and encourage wider discussions regarding the objectives of the Plan, with the United Nations possibly acting as a multilateral forum for such discussions.

C. Emerging weapons technologies, including outer space aspects

30. The Board continued its discussions on the agenda item, which it had started at its forty-eighth session in 2007.

31. At its forty-ninth session, the Board had before it food-for-thought papers on the agenda item prepared by two members, Elisabet Borsiin Bonnier and H.M.G.S. Palihakkara.

32. To meet the new risks and challenges from new weapons technologies, the need to elaborate and promote adequate international norms and rules, perhaps in the form of a code of conduct, was mentioned. Views were expressed although those technologies should neither be prohibited nor restricted, there still could be a need to focus on the offensive capabilities of such emerging technologies in a legally binding context. Some members stated that there was a close interconnection between the issues of disarmament and non-proliferation and the new security environment resulting from the development of new technologies for both offensive and defensive weapons purposes.

33. Some Board members reiterated concerns over the possibility of non-State actors acquiring emerging technologies for weapons purposes and the efforts that could be made to prevent such occurrences.

34. In addition, concern was expressed over the possibility of widening gaps between developed and developing States in connection with such emerging technologies.

35. As a means of addressing the foregoing challenges, the Board believed there was a need for greater transparency, better communication and increased confidence among the civilian, military and scientific communities on the issue of emerging technologies. Some members also stressed the requirement for broader involvement of the private sector in arms control and non-proliferation processes in the context of new weapons technologies, given the increasing prospects for the privatization of warfare. Furthermore, owing to the apparent lack of public awareness of the issues pertaining to emerging weapons technologies, views were expressed about the importance of raising the awareness of the general public, as well as the need to initiate a dialogue to facilitate early scientific warnings of certain emerging military technologies.

36. Other noteworthy views included the necessity of gaining a better understanding of the military doctrines and strategies behind the potential use of such emerging technologies, and the consideration of any potential spillover effects those new weapons technologies might have on global military expenditures.

37. Given the highly technical nature of the issue of emerging technologies, including outer space, some Board members commented on the need to engage scientists in such discussions. A discussion evolved around the recommendation the Board had made to the Secretary-General in 2007 regarding the creation by the Secretary-General of a high-level panel on space governance, and a suggestion was formulated to broaden the scope of such a panel to include eminent scientists on emerging weapons technologies and future implications for international peace and security.

38. Support was expressed for negotiations on an instrument on the prevention of an arms race in outer space. In that regard, support was also mentioned for proactive multilateral work by the United Nations in pursuing preventive diplomacy on space security issues, including international efforts to create a code of conduct which would include confidence-building measures and best practices to regulate space objects and outer space activities.

39. Members also discussed the issue of space security, including the danger of space debris. Different views were expressed regarding the approach to that issue. Some members stressed the need to negotiate a new legally binding instrument to prohibit an arms race in outer space. Another member expressed skepticism about an arms control treaty on outer space, noting that space debris was created by weapons on the ground, not space weapons.

Recommendations

40. **The Board made the following recommendations:**

(a) **The Secretary-General should continue raising awareness of the risks/threats related to emerging weapons technologies and initiate a dialogue between Governments and the scientific community on emerging technologies with military applications;**

(b) **The Secretary-General could consider the creation of a high-level panel, including eminent scientists, on the issue of emerging weapons technologies, including outer space aspects, and their possible implications for international peace and security.**

III. Meeting with the Secretary-General

41. The Board met with the Secretary-General on 20 February 2008. Several members of the Board took the opportunity to exchange views on issues related to multilateral disarmament and non-proliferation.

IV. Civil society/non-governmental organization presentations

42. As is customary, the Board heard presentations on issues pertaining to its agenda from representatives of non-governmental organizations during both of its sessions. On outer space issues and nuclear energy, presentations were made at the forty-ninth session, respectively, by Mike Moore, Research Fellow, The Independent Institute, former editor of the *Bulletin of Atomic Scientists* and member of several national task forces on military space policy and national security issues under the umbrella of the Council on Foreign Relations, the Eisenhower Institute and the Stanley Foundation, and Hal Fieveson, a senior research scientist and co-founder of the Program on Science and Global Security at the Woodrow Wilson School of Public and International Affairs at Princeton University.

43. At the Board's fiftieth session, Xanthe Hall, a nuclear disarmament campaigner with International Physicians for the Prevention of Nuclear War, located in Berlin, made a presentation on nuclear power versus sustainable energy security. Moreover, Jürgen Altmann, a physicist and peace researcher at Technische

Universität, Dortmund, Germany, and co-founder of the German Research Association for Science, Disarmament and International Security, spoke on the potential weapons applications of revolutionary technologies.

V. Board of Trustees of the United Nations Institute for Disarmament Research

44. At its forty-ninth session, the Advisory Board, sitting as the Board of Trustees, received a comprehensive briefing from the Director of UNIDIR, Patricia Lewis, on the Institute's work. The Board commended the work carried out by UNIDIR and expressed satisfaction at its activities. There was general agreement that the Institute should be provided with adequate funding in order to strengthen its activities. Some Board members emphasized the need to strengthen the Institute's research activities related to the Middle East region. Other members supported the efforts of UNIDIR to reach out to a wider and younger audience by means of modern information technology, such as blogs and podcasts.

45. The Board formally adopted the Institute's 2008 programme budget contained in document A/62/152. The Director of UNIDIR also informed the Board of her decision to resign from her position effective August 2008. Consequently, the Chairman provided a brief explanation of the selection process for a new Director in accordance with the statute of the Institute.

46. At its fiftieth session, the Board received an oral briefing from the Director of the Institute on the activities of UNIDIR since its last meeting. A subcommittee on UNIDIR consisting of six members of the Board met prior to the scheduled session, on 7 and 8 July, to review in detail the programme of the Institute.

47. The Board expressed its deep appreciation for the decade of committed and enlightened service of the Director, and wished her well in her new position.

48. Members of the Board commended the Institute's work. Several members applauded the efforts of the United Nations Institute for Disarmament Research to expand its outreach into the Asian region but stressed that more needed to be done. It was also suggested that the Institute's outreach activities be expanded to the general public as well as to individuals unfamiliar with disarmament-related issues.

49. In connection with the selection process for a new Director, the Board was briefed by the Chairman on the work of the Selection Committee, which met on 7 and 8 July 2008, endorsed its findings and agreed to send the Secretary-General its recommendations for the appointment.

50. After considering the draft report of the Director on the activities of the Institute for the period from August 2007 to July 2008 and the proposed programme of work and budget for 2008-2009, the Board approved the report for submission to the General Assembly. The Board welcomed the approval by the Assembly in December 2007 of the subvention for the biennium 2008-2009.

VI. Future work

51. The Board exchanged views on several possible topics for discussion at its sessions in 2009, including such matters as confidence-building measures in both

the nuclear and conventional fields, the future of the Conference on Disarmament and the preparatory process leading to the 2010 Nuclear Non-Proliferation Treaty Review Conference.

52. Possible topics suggested were (a) the role of confidence-building measures in both the nuclear and non-nuclear fields, including regional confidence-building measures, (b) ways to achieve a successful outcome of the 2010 Nuclear Non-Proliferation Treaty Review Conference (c) issues related to specific emerging weapons technologies and (d) conventional weapons proliferation and non-State actors.

VII. Conclusions

53. By opting to change its method of work and discuss the same agenda items during both its sessions in 2008, the Board was able to have more in-depth and lively deliberation on the three topics chosen, and to present a more cohesive report and considered recommendations.

54. The question of nuclear energy dominated the discussions on the topic of energy security and environment, with diverging views expressed by some members. Considerable interest was expressed on the Nuclear Security Project ("Hoover Plan") and its possible implications for multilateral nuclear disarmament and non-proliferation. Although the Board recognized that the Plan originated from former Government officials in the United States, many members underlined its significance, especially in terms of its timing and momentum, and encouraged broader multilateral discussions on its objectives. The Board was able to spend considerable time deliberating over the issue of emerging weapons, including outer space issues. However, given the highly complex and technical nature of the issue, many members emphasized the need for broader involvement of governmental, academic, scientific and industrial communities in discussing the possible implications of such technologies for international peace and security.

Annex

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Sixty-third session
Item 67 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of human rights treaty bodies on their twentieth meeting, held at Geneva on 24 and 25 June 2008, pursuant to General Assembly resolution 57/202.

* A/63/150 and Corr.1.

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Report of the chairpersons of the human rights treaty bodies on their twentieth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report on the twentieth meeting of chairpersons of human rights treaty bodies which was convened at Geneva on 24 and 25 June 2008, pursuant to Assembly resolution 49/178. The chairpersons considered follow-up to the recommendations of the nineteenth meeting and reviewed developments relating to the work of the treaty bodies. They also discussed reform of the treaty body system, including harmonization of working methods and the universal periodic review mechanism of the Human Rights Council, as well as the work of the Council in general. They met with representatives of States parties and the President of the Human Rights Council. The tenth joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council was also held. Participants also met with representatives of the Conference Services Division of the United Nations Office at Geneva. The chairpersons adopted recommendations which are contained in section VII of the present report. The report on the seventh inter-committee meeting of human rights treaty bodies which was held at Geneva, from 21 to 23 June 2008, and which was considered by the chairpersons, is annexed to the report.

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I. Introduction

1. The twentieth meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the United Nations High Commissioner for Human Rights at Geneva, on 26 and 27 June 2008. The meeting was immediately preceded by the seventh inter-committee meeting, held from 23 to 25 June 2008.

II. Organization of the meeting

2. The following chairpersons of human rights treaty bodies attended: the Chairperson of the Committee on Economic, Social and Cultural Rights, Philippe Texier; the Chairperson of the Committee on the Elimination of Racial Discrimination, Fatima-Binta Victoire Dah; the Chairperson of the Committee on the Elimination of Discrimination against Women, Dubravka Šimonović; the Chairperson of the Human Rights Committee, Rafael Rivas Posada; the Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Abdelhamid El-Jamri; the Chairperson of the Committee on the Rights of the Child, Yanghee Lee and the Chairperson of the Subcommittee on Prevention of Torture, Silvia Casale. Fernando Marino-Menéndez represented the Committee against Torture.

3. Ms. Victoire Dah was elected Chairperson/Rapporteur of the meeting and Ms. Šimonović was elected Vice-Chairperson. The chairpersons adopted the agenda (HRI/MC/2008/1) and the proposed programme of work.

III. Meeting with the President of the Human Rights Council

4. The chairpersons met with the newly appointed President of the Human Rights Council, as well as with the former President of the Council. The President emphasized the complementary role of the treaty bodies and the Council and the role of the treaty bodies as a cornerstone of the universal periodic review mechanism, as well as their mutually reinforcing nature. He made various proposals for modalities to institutionalize the relationship between the Council and the treaty bodies.

5. The former President noted that the Council and the universal periodic review lacked a follow-up mechanism and that this continued to be a sensitive point for member States. He indicated that the Human Rights Council had strengthened the role of the treaty bodies by emphasizing the obligation of States parties to report and the importance of implementation of substantive treaty obligations and treaty body recommendations.

6. The chairpersons welcomed the proposal to create an institutional relationship between the treaty bodies and the Council, and suggested that this might include the practice of inviting treaty bodies to address the Council during thematic sessions. Some considered that treaty bodies should participate in the full deliberations of the Council. The chairpersons emphasized that it was important for treaty bodies to take into account the recommendations of the Council in the context of the universal periodic review, but were concerned about the absence of a mechanism for follow-

up in the Council. The Chairperson of the Committee on Economic, Social and Cultural Rights welcomed the recent adoption by the Council of the draft Optional Protocol to the Convention on Economic, Social and Cultural Rights on individual complaints, and expressed his gratitude to the Chairperson of the Working Group for her dynamic role in that context.

IV. Tenth joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

7. On 26 June 2008, the chairpersons met with the mandate holders of the special procedures of the Human Rights Council. The meeting was co-chaired by the Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the Chairperson of the meeting of Chairpersons of the human rights treaty bodies.

8. Views were exchanged on follow-up to the recommendations of special procedures and treaty bodies, including in the context of the universal periodic review. The review, and the treaty bodies' and special procedures' processes were considered to be complementary and mutually reinforcing, with several treaty body chairpersons noting they would take into consideration the recommendations emerging from the review, as well as the pledges made by States during the review, when considering reports of States parties.

9. It was agreed that the level of cooperation and coordination between treaty bodies and special procedures mandate holders could be strengthened. The importance of more direct interaction between the mechanisms was stressed. This could include participation of relevant mandate holders in treaty body sessions during consideration of the reports of States parties where the special procedures mandate holders could provide specific expertise and input. The participation of country-specific mandate holders was particularly important in cases where implementation of a treaty in the State party was being considered in the absence of a report. The key role of the Secretariat in ensuring exchange of information between treaty bodies and special procedures was highlighted, and, in this regard, it was suggested that financial resources be allocated for that purpose.

10. Participants underlined the importance of building on each other's recommendations, with one mandate holder indicating that he was able to engage in serious dialogues with Governments by basing his country recommendations on treaty body concluding observations. The Special Rapporteur on the promotion and protection of human rights while countering terrorism proposed that the Committee on Economic, Social and Cultural Rights might consider preparing a general comment on the impact of counter-terrorism measures on the enjoyment of economic, social and cultural rights. He said that his next report would focus on the impact of counter-terrorism measures on women and children and that he welcomed cooperation with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. The possibility of special procedures mandate holders visiting States prior to their consideration by treaty bodies was also proposed.

V. Informal consultations with States parties

11. The twentieth meeting of chairpersons held informal consultations with the representatives of 72 States parties on 26 June 2008, with the chairpersons outlining recent developments in their respective committees and noting a number of innovative approaches towards simplification of the treaty body system and improvement and harmonization of working methods. In this respect, they referred the States parties to the points of agreement of the seventh inter-committee meeting.

12. The Chairperson of the Committee on Economic, Social and Cultural Rights welcomed the adoption by the Human Rights Council of the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Other chairpersons described, inter alia, follow-up procedures; consideration of implementation of human rights treaties in States parties in the absence of a report (the review procedure); the possibility of issuing joint general comments/recommendations on thematic issues, including a possible joint general comment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Elimination of Discrimination against Women on female migrant workers; the need for strengthened interaction between the treaty bodies and the Human Rights Council; universal periodic review; indivisibility between civil and political rights and economic, social and cultural rights; and the need for additional meeting time.

13. States welcomed the opportunity to engage in consultations with the chairpersons, noting that they provided a platform for dialogue and interaction, and reiterated their support for the work of the treaty bodies. Several States commended the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas for harmonization.

14. States encouraged strengthened harmonization and coordination of the working methods of the treaty bodies, including in the examination of reports and follow-up procedures, so as to make the system more comprehensible and accessible.

15. Several States referred to the need to harmonize the form and structure of lists of issues, noting that lists of issues could help States to prepare for the dialogue and to pinpoint problems. The point was made that treaty bodies should exchange best practices and challenges in that respect. The possibility of treaty bodies formulating a limited number of questions which would focus on the major issues to be raised during the dialogue was also put forward. Some States stressed the importance of the lists of issues being transmitted to States parties well in advance to allow sufficient time for the preparation of replies. Noting that several States parties had referred to the lists of issues, the chairpersons expressed the view that it might be difficult to harmonize the approach to such lists completely, as the questions were linked to the content of the respective treaties. However, the time frame for their preparation and submission and their length might be harmonized.

16. Several States parties noted that non-reporting was a serious problem and wished to be informed of strategies that treaty bodies were developing in that regard. Some States emphasized that the review procedures should be used only as a last resort measure, while a few noted that that approach should be avoided. Others considered that treaty bodies should harmonize their approaches in that context. A number of States welcomed the possibility of the provision of technical assistance

by the Office of the United Nations High Commissions for Human Rights (OHCHR) for non-reporting States.

17. Several States encouraged treaty bodies to continue their cooperation with non-governmental organizations (NGOs) and national human rights institutions, and suggested that information from NGOs should be used more effectively. A number of States noted that there was a need to institute a process of verification in respect of NGO information and that that information should be cross-checked, along the lines of the universal periodic review procedure. The importance of the equitable geographical participation of NGOs was stressed, as was the need for continued cooperation between treaty bodies and national human rights institutions, including through the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

18. A large number of States noted that the treaty body system and the universal periodic review mechanism of the Human Rights Council should complement and mutually reinforce each other. It was generally agreed that the review should not duplicate existing mechanisms and that there was a need to create positive synergies between it and the treaty body system. Many States emphasized the independent role and rationale of treaty bodies vis-à-vis the review. Some States parties referred to their own experiences in the context of the first two review sessions, both as States under review and when reviewing others, during which there had been several references to treaty body recommendations and the need to ratify the core treaties to which the State was not yet a party. Some States noted that the universal periodic review could provide an additional tool for following up on treaty body recommendations and vice versa.

19. In respect of concluding observations, a few States noted that the treaty bodies should learn from the universal periodic review format and include any State responses as part of the concluding observations, inter alia, by annexing the responses to the concluding observations. It was suggested that that approach would form an agreed and mutual basis for engagement. Other States emphasized that there should be a clear distinction between treaty bodies who ensured compliance with legal, binding norms and the Human Rights Council as a political body.

20. A number of States noted that they supported the exercise and the joint work undertaken by OHCHR and treaty body experts on indicators, but considered that the outcome would be successful only if there were full involvement of States parties which would be applying the indicators and would be evaluated on the basis of those indicators. It was also important to take different levels of development into account.

21. Some States stressed that the comments and suggestions put forward in the course of the informal consultations should be given due regard and that the chairpersons' meeting should reflect on how this could be done in the best possible way. A number of States supported the treaty bodies, including the more recently established among them, in their request for more human and financial resources.

VI. Meeting with the Conference Services Division of the United Nations Office at Geneva

22. On 27 June 2008, the chairpersons met with representatives from the Conference Services Division of the United Nations Office at Geneva. The Chief of the Document Management Section explained that, since the creation of the Human Rights Council, in June 2006, Conference Services had absorbed a 20 per cent workload increase, and that that trend was expected to continue with the establishment of the new treaty bodies. He stressed that efforts should be made by treaty body secretaries to comply with deadlines for the submission and processing of documents, as well as with the rules on length and format. Prioritization of documents in order to facilitate the work of Conference Services and timely processing was also suggested.

23. The chairpersons raised concerns regarding the frequent unavailability in all working languages of States parties' reports, written replies to lists of issues, and individual communications, which compromised their work. They also expressed concern about the level of financial and human resources allocated to the processing and translation of treaty body documents since the establishment of the Human Rights Council. They agreed that treaty body secretaries should endeavour to establish priorities to facilitate the translation of concluding observations, written replies of States parties to lists of issues and views on individual communications. States parties should be reminded to respect page limits and deadlines for the submission of reports.

VII. Decisions and recommendations

24. The twentieth meeting of chairpersons of the human rights treaty bodies culminated in the following decisions and recommendations:

Adoption of the points of agreement of the inter-committee meeting

(a) The twentieth meeting of chairpersons endorsed the points of agreement concluded at the seventh inter-committee meeting, held from 23 to 25 June 2008. The chairpersons called upon the human rights treaty bodies to follow up on those recommendations and to report on their implementation at the ninth inter-committee meeting in 2009.

Relationship with special procedures mandate holders

(b) The twentieth meeting of chairpersons reiterated earlier recommendations of the chairpersons that the Secretariat should seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings, but also with respect to strengthening direct interaction, as appropriate, during sessions of the treaty bodies. This was considered especially crucial with respect to the consideration of a State party in the absence of a report where a country rapporteur would be able to provide important

information. The chairpersons and the special procedures agreed to organize future joint meetings in a more structured fashion and requested the Secretariat to prepare a list of common procedural and thematic issues to be discussed at their eleventh joint meeting.

Informal consultations with States parties

(c) Given the fact that the informal consultations with States parties provided an important platform for dialogue and interaction, the twentieth meeting of chairpersons recommended that a full one-day meeting should be allocated for the informal consultations with States parties in the context of the twenty-first meeting of chairpersons in 2009. The chairpersons requested the Secretariat to prepare a specific and focused agenda for this meeting.

Human Rights Council

(d) The chairpersons underlined the complementary and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism and emphasized the importance of a continuing dialogue on this matter. The chairpersons further recognized the need for developing an effective cooperation between the treaty bodies and the Human Rights Council and strengthening the institutional links between the two systems. They also encouraged the Human Rights Council to extend invitations to the treaty bodies to participate in its sessions, especially during thematic discussions. Finally, the chairpersons highlighted the useful practice of certain treaty bodies of designating observers to follow the universal periodic review in the Council and suggested that this be extended to all treaty bodies.

Treaty body documentation

(e) The twentieth meeting of chairpersons recommended that treaty body secretaries should make all possible efforts to prioritize documents submitted to Conference Services to ensure the timely translation of concluding observations, States parties' written replies, as well as views on individual communications. The Secretariat should also remind States parties to respect page limits and deadlines for the submission of reports. In addition, the meeting of chairpersons recommended the augmentation of human and financial resources in order to allow for the timely processing and translation of treaty body documents.

Annex

Report of the seventh inter-committee meeting of human rights treaty bodies

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I. Introduction

1. The seventh inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Geneva from 23 to 25 June 2008.

2. The following members of human rights treaty bodies attended:

Human Rights Committee
Rafael Rivas Posada (Chairperson)
Abdelfattah Amor
Michael O'Flaherty

Committee on the Elimination of Discrimination against Women
Dubravka Šimonović (Chairperson)
Dorcas Coker-Appiah
Mary Shanthi Dairiam

Committee on the Elimination of Racial Discrimination
Fatima-Binta Victoire Dah (Chairperson)
Regis De Gouttes
Anwar Kemal

Subcommittee on Prevention of Torture
Mario Coriolano

Committee on Economic, Social and Cultural Rights
Philippe Texier (Chairperson)
Rocio Barahona Riera
Waleed Sadi

Committee on the Rights of the Child
Yanghee Lee (Chairperson)
Lothar Friedrich Krappmann
Lucy Smith

Committee against Torture
Claudio Grossmann (Chairperson)
Felice Gaer
Fernando Mariño

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Ahmed Hassan El-Bora (Chairperson)
Jose S. Brillantes

II. Opening of the meeting, election of officers and adoption of the agenda

3. The Chief of the Human Rights Treaties Branch, Ibrahim Salama, welcomed all chairpersons and members present on behalf of the High Commissioner for Human Rights. He introduced the report on the implementation of the recommendations of the sixth inter-committee meeting and the nineteenth meeting of chairpersons (HRI/MC/2008/2), which provided information on the efforts undertaken by the treaty bodies to streamline further their working methods and enhance their effectiveness. He indicated that three committees had adopted treaty-specific guidelines, taking into account the revised harmonized guidelines on reporting using a common core document, and that others had begun work on their guidelines. Several States parties had submitted common core documents. Mr. Salama also highlighted the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the adoption, by the Human Rights Council, of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

4. Fatima-Binta Victoire Dah, Chairperson of the Committee on the Elimination of Racial Discrimination, was elected Chairperson/Rapporteur and Dubravka Šimonović, Chairperson of the Committee on the Elimination of Discrimination

against Women, was elected Vice-Chairperson. The participants adopted the agenda (HRI/ICM/2008/1) and the programme of work.

III. Follow-up to the recommendations of the sixth inter-committee meeting of human rights treaty bodies

5. Since the sixth inter-committee meeting, the treaty bodies had continued to discuss and implement innovative approaches to harmonize working methods to render the treaty body system more effective.

6. The Committee against Torture had adopted general comment 2 on implementation of article 2 by States parties. It had met several times with the newly created Subcommittee on Prevention of Torture (the Subcommittee), but drew attention to the limited linkage of the Convention with the Optional Protocol, as outlined in its provisions, and flagged the fact that there was no overlap in the membership of the two treaty bodies. The two committees had discussed country visits, particularly as one of the first States visited by the Subcommittee was a State party which was to be considered by the Committee against Torture; the Optional Protocol provided that the Subcommittee's annual report be submitted to that Committee, which had yet to consider the former's first annual report. The Committee against Torture considered the universal periodic review to be a challenge and noted that at least two of the countries to be considered by it had also been subject to the review. No country had failed to submit or present its universal periodic review report to the Council, nor had any indicated that reporting constituted a burden, whereas a number of reports of States parties required by the Convention against Torture were 20 years overdue. The representative of the Committee against Torture drew attention to its new procedure of formulating lists of issues prior to reporting, in which responses from States parties would constitute periodic reports. He noted that a number of States parties had accepted the procedure and that consideration of the resulting reports would commence in 2010. The Committee had also adopted a new approach to national human rights institutions. The representative indicated that its practice of convening formal, private meetings with NGOs one day prior to the consideration of reports had been successful, noting that all NGO submissions were required to be in writing and were submitted to the relevant State party. The follow-up procedure of the Committee against Torture, which it considered to have significant potential, had attracted an extremely good response. The Committee had not discussed whether the identity of country rapporteurs should be made public, but, in practice, it did not object to their identity being known. At its fortieth session, the Committee had requested the Secretariat to prepare draft treaty-specific reporting guidelines, taking account of the guidelines for the common core document.

7. The representative of the Committee on the Rights of the Child pointed out that, in the light of the large number of States parties to the Convention and its two Optional Protocols, the regular submission by States parties of reports and the backlog of 90 reports that awaited consideration, it would again request the General Assembly to authorize it to meet in parallel chambers. The Committee on the Rights of the Child systematically made cross-references to other treaties in its concluding observations, and had had good experiences with following up these observations through regional workshops, including the most recent, which had been convened in

Burkina Faso in November 2007. The Committee had strong links with the United Nations Children's Fund (UNICEF), had participated in a day-long joint workshop with the Fund prior to its most recent session, and had observer status in respect of the UNICEF Executive Board. The Committee had established a working group on harmonized working methods and had adopted a new format for its list of issues at its forty-eighth session. Representatives of NGOs, national human rights institutions and children participated in the Committee's pre-sessional working group. The Committee commenced discussion of draft guidelines for its treaty-specific document, which would include reporting requirements for the Convention and its Optional Protocols at its forty-eighth session in May/June 2008. It was also following discussions on the possible development of an individual complaints system for the Convention, and was interested in developing indicators on children in early childhood, emphasizing the need for readily available statistical information.

8. The Committee on the Elimination of Racial Discrimination had adopted guidelines for its treaty-specific document at its seventy-first session in August 2007. It did not convene a pre-sessional working group and lists of issues relating to reports to be considered were prepared by country rapporteurs, whose identities were not made public. The lists of issues were informal, and were not adopted by the Committee. The Committee's urgent action and early warning procedures had been improved. The former was triggered where the Committee received no response from the State party to its reporting reminders; thereafter consideration took place on the basis of information available to the Committee, rather than on the basis of the State party's report. A coordinator for follow-up considered implementation of recommendations in the concluding observations. The Committee's rules of procedure provided that national human rights institutions may, with the consent of the State party, intervene on the day of consideration of the State party's report. NGOs were encouraged to submit shadow reports, preferably at an early stage. The Committee collaborated with the special procedures mandate holders on racism, minorities and genocide. It also worked closely with the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

9. The representative of the Committee on Economic, Social and Cultural Rights expressed the hope that the Optional Protocol to the Covenant would be adopted by the General Assembly at its sixty-third session. During 2007-2008, the Committee had considered the reports of 17 States parties and had adopted a general comment on article 9 on the right to social security. There were a large number of ratifications to the Covenant and a backlog of reports awaiting consideration was developing. The Committee had institutionalized the practice of a half-day dialogue with NGOs, and often received reports from national human rights institutions. Some States parties' reports were considered to be too brief or incomplete, with some States suggesting that fuller information was contained in their common core document. The Committee highlighted its recent meeting on the role of national institutions in the protection of economic, social and cultural rights, which had been financed by the University of Alcalá (Madrid), the Spanish Agency for International Development Cooperation (*Agencia Española de Cooperación Internacional para el Desarrollo* (AECID)) and the Iberó-American Ombudsman's Federation, and encouraged all treaty bodies to participate in those types of meetings.

10. The Human Rights Committee had considered 13 reports since the last inter-committee meeting, taking up 4 reports per session, and had adopted a general comment on article 14 on the right to equality before the courts and tribunals and to a fair trial. Its follow-up procedure was working well, but could be strengthened. It held meetings with NGOs during the first day of its formal session, as well as in early morning and lunch time briefings. No formal procedure for interaction with national human rights institutions had been adopted, although the Committee met with those bodies. A rapporteur and a focal point had been appointed to maintain liaison with United Nations system entities and with the Special Representative of the Secretary-General on genocide, respectively. A rapporteur had also been appointed to observe the universal periodic review. In addition, the Human Rights Committee was developing a media strategy. Concern was expressed at the length of some States parties' reports, which often contained repetition; representatives of the Committee emphasized the need for clear guidelines to assist in the preparation of periodic reports. Steps to harmonize the approach to lists of issues might also be considered. The identities of country rapporteurs and country task force members were not made public. It was also noted with concern that the Committee's work had been hampered by delays in the provision of documentation and translations.

11. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families currently met twice annually in two-week sessions, and was proposing to meet in one-week sessions in future. The Committee collaborated closely with the International Labour Organization and was seeking to cooperate with the Committee on the Elimination of Discrimination against Women in the elaboration of a joint general comment on women and migration. The Committee was grateful to other treaty bodies which encouraged ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As a new treaty body with a treaty with limited ratification, the Committee had not formulated a position on the harmonized reporting guidelines; it would also welcome more information about consideration of implementation of treaties in a State party in the absence of a report. It was of the view that treaty body reports should form the basis of the universal periodic review.

12. The fortieth session of the Committee on the Elimination of Discrimination against Women, held in January 2008, had been the first formal session serviced by the Office of the United Nations High Commissioner for Human Rights at Geneva, although it had met in 2007 at Geneva in an informal session hosted by the Government of Switzerland. In 2006 and 2007, the Committee had convened three sessions per year in parallel chambers and had examined a total of 69 reports. Three sessions would be held in 2008 and two during 2009; three of the five sessions would be held in two chambers. As of 2010, the Committee would convene three annual sessions. The meeting time for treaty bodies should respond to needs, and the Committee supported the request of the Committee on the Rights of the Child for additional meeting time. The Committee on the Elimination of Discrimination against Women had decided to review implementation of the Convention in States parties in the absence of a report in cases where no report had been submitted despite a number of reminders. It was developing general recommendations on article 2 of the Convention on measures of implementation and on women migrant workers, possibly jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The formulation of a joint general recommendation would be challenging, owing to the different working pace of each

Committee, as well as the lack of time to meet jointly. The Committee supported the proposal for two annual inter-committee meetings, and its efforts towards harmonization had included the adoption of its treaty-specific reporting guidelines and the amendment of its terminology from concluding "comments" to concluding "observations". A short informal paper which aimed to encourage NGOs to submit joint submissions which focused on priority issues in the States parties concerned, was under preparation. The Committee was also considering its relationship with parliaments and had adopted a statement on its relations with national human rights institutions. Concluding observations included a standard paragraph encouraging ratification of other human rights treaties, and cross-references to the work of other treaty bodies were included where relevant.

IV. Discussion on the improvement and harmonization of working methods

13. Participants discussed improvement and harmonization of the treaty body working methods, considering a non-paper on possible areas of harmonization which had been prepared by the Secretariat. The non-paper focused on three possible areas of harmonization, namely: (a) the form and structure of lists of issues; (b) publication of the identity of country rapporteurs and country task force members; and (c) the consideration of implementation of human rights treaties in States parties in the absence of a report. An updated version of the comparative chart of working methods which had been requested by the inter-committee working group on harmonization in April 2007 was included as annex 1. A template with draft guidelines for the elaboration of lists of issues was included as annex 2.

14. In addition to the three areas addressed by the non-paper, participants identified a number of other potential areas for harmonization. They included follow-up to concluding observations and follow-up workshops, the role of the country rapporteur; input and output in the context of the universal periodic review; cross-references to the work of other treaty bodies; modalities of the participation of NGOs and national human rights institutions; standardization of treaty body terminology, the development of joint general comments and consideration of reports.

15. The meeting agreed to develop a programme of work on possible areas for improvement and harmonization of working methods, including targets, short and long-term objectives, and timelines for the next three to four inter-committee meetings.

16. In relation to the lists of issues, participants stressed the difference in the scope and nature of the different treaties and hence in the substantive content of the lists of issues. While all committees prepared lists of issues, the practice of their preparation and their role in enhancing the work of the committees varied. Lists of issues were not formally adopted by the Committee on the Elimination of Racial Discrimination, but were prepared by the designated country rapporteurs with respect to the reports of States parties assigned to them. Some participants recognized that a certain similarity as to the form and structure of the lists of issues, including a limited number of questions, might assist States parties in their reporting. In that respect, some participants suggested a maximum of 25 questions. Participants looked forward to the results of the Commission against Torture

developing practice of lists of issues prior to reporting, but noted that questions arose, including on the type of information that formed the basis for such lists.

17. The participants also discussed the experience of various treaty bodies in relation to the disclosure of the identity of country rapporteurs and country task force members. Most committees noted that they appointed one member (two in the case of the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and one to three in the case of the Human Rights Committee) to act as country rapporteurs. Except in the case of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the identity of the country rapporteur was public, with the Committee on the Elimination of Discrimination against Women deciding to take this approach during 2007. A number of participants noted that they were in favour of harmonizing practices of treaty bodies in this context, and attention was drawn to the fact that harmonization on this issue had also been requested by States parties and others. Others had examples of both direct and indirect pressure being put on the country rapporteur(s) and would therefore favour confidentiality in this context.

18. Most committees noted that they had adopted the practice, sometimes referred to as the "review procedure", of examining the implementation of the relevant treaty in the State party in the absence of a report. Participants generally agreed that according to the practice of different treaty bodies, notification by a committee to a State party of its intention to examine a country situation in the absence of a report could be a very effective way of engaging non-reporting States parties, as they were generally prompted to submit the overdue report, or would signal their intention to do so. Examination of States parties in the absence of a report should be a measure of last resort, with the focus being on engaging in a constructive dialogue with the State party concerned. The possibility of adopting common modalities was discussed, with participants stressing the importance of providing States parties one last opportunity, via a reminder, to submit its report. In the absence of a response from the State party, the treaty bodies would often formulate and transmit a list of issues to the State party. In the absence of a reply from the State party, some committees, such as the Human Rights Committee, adopted provisional concluding observations, while others, such as the Committee on the Elimination of Racial Discrimination, formulated public and final concluding observations.

19. Participants agreed that follow-up was of great significance and needed to be discussed further. One participant suggested that the follow-up rapporteurs, if applicable, or other representatives of the various committees, could meet and discuss best practices and exchange ideas in respect of follow-up to concluding observations, as well as follow-up workshops. The suggestion was made that an inter-committee working group or task force could be established for that purpose. The point was also made that there should be a discussion on common means of improving the follow-up procedure.

20. Several participants stressed the importance of the participation of NGOs and national human rights institutions in treaty body processes and noted that that should be discussed at a future inter-committee meeting. The possibility of developing joint general comments was also raised. The experiences of the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their

Families in relation to the draft general comment on women migrant workers was raised and the suggestion was made that treaty body members should consider topics for possible joint general comments.

21. It was agreed that the working methods of human rights treaty bodies required improvement and possibly harmonization and that one of the two annual inter-committee meetings should be dedicated exclusively to the improvement and harmonization of working methods. It was also decided that the agenda items for the eighth inter-committee meeting would be: the revised treaty-specific guidelines; follow-up to concluding observations; consideration of a State party in the absence of a report; and the universal periodic review mechanism of the Human Rights Council.

V. Human Rights Council

22. Participants were briefed on the universal periodic review mechanism by a representative of OHCHR. Reference was made to the compilation of information prepared by OHCHR based, to a large extent on the recommendations of treaty bodies and special procedures mandate holders. It was noted that members of the universal periodic review working group often referred to treaty body recommendations in their interventions.

23. While acknowledging the importance of the universal periodic review mechanism with regard to follow-up on treaty body recommendations, concerns raised by participants included, inter alia: the fact that the wording of recommendations could be negotiated by the State under review, which could seriously undermine the process; the need to avoid duplication of work between treaty bodies and the universal periodic review; and the limited capacity for follow-up to the review recommendations. It was suggested that the treaty bodies could follow up on the review recommendations during their consideration of State parties' reports.

VI. Dialogue with specialized agencies, funds and programmes and other entities of the United Nations

24. The inter-committee meeting met with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Coordinator on follow-up to Conventions and Recommendations in the field of education. The representative recognized that the effective implementation of standard-setting texts was at the core of effective fulfilment of State party obligations, and emphasized the importance of enhancing monitoring. He noted that UNESCO collaboration with the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families had focused on normative action taken in the field of education. UNESCO hoped that the recommendations made by the Human Rights Council would emphasize those normative aspects and that any future joint statements would take into account the right to education.

25. One member of the Committee on the Rights of the Child emphasized that the right to education was one of its core focal areas and that it had, in the past, received very good contributions from UNESCO on countries under review. It encouraged UNESCO to participate in the Committee's pre-sessions, submit written information and make oral contributions and enhance its future cooperation with the Committee. A member from the Committee on the Elimination of Discrimination against Women also noted that the Committee had received valuable information from UNESCO, including on statistical information, and expressed the hope that a deeper collaboration could be developed with UNESCO and other United Nations specialized agencies.

VII. Dialogue with non-governmental organizations

26. Representatives of the following NGOs presented a joint submission to the seventh inter-committee meeting: Amnesty International, Association for the Prevention of Torture; International Women's Rights Action Watch; International Service for Human Rights; International Women's Rights Action Watch (Asia-Pacific); NGO Group for the Convention on the Rights of the Child, Save the Children; World Organisation against Torture; Friends World Committee for Consultation (Quaker United Nations Office) and ARC International. The NGO representatives requested that the seventh inter-committee meeting consider the following issues as priorities in order to enhance the effectiveness of human rights treaty monitoring bodies and improve NGO contributions to the treaty bodies' procedures:

(a) Development, publication and maintenance of a calendar of treaty body sessions on the OHCHR website;

(b) NGOs should be able to request that their source be kept confidential while the information is being considered by the treaty body concerned;

(c) Oral briefings by NGOs should be formally scheduled during treaty body sessions and treaty bodies should be encouraged to develop their approaches on the basis of best practices identified in certain committees;

(d) Procedures for effective follow-up to concluding observations should be adopted, including through the appointment of a rapporteur on follow-up, and the treaty bodies should consider developing modalities for consideration of NGO information on follow-up;

(e) A common, transparent procedure for consulting on, and drafting of, general comments should be developed which would include soliciting and considering broad contributions from NGOs, academics, other experts, United Nations and regional bodies;

(f) Criteria for treaty body membership should be considered;

(g) The inter-committee meeting should institutionalize the relationship between NGOs and treaty bodies in a purposeful way.

27. Participants of the inter-committee meeting noted that openness and transparency should be guiding principles and that information from NGOs should be considered confidential in exceptional circumstances only, while others

highlighted that some States objected to information being utilized by treaty bodies without their knowledge of the source.

28. Some participants stressed that the best time for NGO input was during the process of drafting the lists of issues. The presence of NGOs during the consideration of the States parties' reports was also found to be useful, as it raised the visibility of the performance of the State party's delegation. Participants appreciated the recommendations put forward by the NGOs in respect of follow-up, including the need to have increased Secretariat support for follow-up activities and noted that the resources for the Human Rights Treaties Branch had decreased with the expansion of the universal periodic review. One participant noted the absence of NGO information on follow-up. Some participants referred to their practice of consulting NGOs when developing general comments.

29. The process of election of treaty body experts and their independence was also discussed. One participant suggested that NGOs might make an informal assessment of the level of independence of members, which could be influential in the context of their possible re-election. NGOs were encouraged to provide information on all States parties whose reports were going to be considered by treaty bodies, and endeavour to create NGO coalitions to facilitate the participation of national NGOs.

30. In terms of the universal periodic review, one NGO noted that States had used the compilations prepared by OHCHR to highlight compliance with the international human rights treaties; ratifications; address legislative gaps in achieving full compliance with the treaties; withdrawal of reservations; regular reporting and reporting under the follow-up procedure. Many of these recommendations had been accepted by States under review, and thus formed part of the final review report. Treaty bodies were encouraged to continue to review their concluding observations to ensure that common trends, and priority recommendations, are identified.

VIII. Discussion on statistical information

31. Martin Scheinin and a representative of OHCHR introduced the report on indicators for monitoring compliance with international human rights instruments (HRI/MC/2008/3) which had been prepared by OHCHR in response to a recommendation of the fifth inter-committee meeting, in June 2006, that the Secretariat undertake a validation of the approach on the use of statistical information in States parties' reports, develop further lists of indicators and submit a report on that work to the seventh inter-committee meeting in 2008. The report outlined the conceptual and methodological framework for identifying the relevant quantitative indicators as it had evolved over the past two years and outlined the results from regional and country-level consultations and feedback from the validation exercises. An update on progress achieved in relation to the use of statistical information, including in the context of country-level consultations, to validate the conceptual and methodological framework and the development of further lists of indicators had also been provided.

32. Participants welcomed the information contained in the report and suggested that consideration be given to the formulation of a joint general comment on the obligation of States to provide statistical data in their reports to treaty bodies. Concerns put forward by the participants included: the absence of indicators on non-discrimination; the lack of a gender perspective; the lack of indicators covering

the rights of the child; and the fact that process indicators did not always coincide with the outcome.

IX. Dialogue with the Subcommittee on Prevention of Torture

33. Participants met with Silvia Casale, Chairperson of the Subcommittee on Prevention of Torture (the Subcommittee), and Mario Coriolano, member of the Subcommittee. Ms. Casale briefed the meeting on the recent activities of the Subcommittee, including its visits to Benin, Maldives, Mauritius and Sweden, and highlighted the importance of treaty body concluding observations for the preparation of country visits, including country briefs. She indicated that the Subcommittee had found the universal periodic review documentation particularly useful in the case of Benin.

34. Mr. Coriolano referred to the work of the national preventive mechanisms which he perceived as key actors of the network for the prevention of torture. He stressed that this network, which also included the Subcommittee, should cooperate with treaty bodies and regional mechanisms. Participants highlighted the fact that the principle of independence of national preventive mechanisms was an indispensable criterion for their efficiency and effectiveness. The complementarities between the work of the Subcommittee and the treaty bodies were also underlined.

X. Dialogue on business and human rights

35. Participants met with a representative of OHCHR, who presented the report of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, to the Human Rights Council (A/HRC/8/5). The OHCHR representative noted that the report presented a conceptual and policy framework to anchor the business and human rights debate, and to help guide all relevant actors. The framework comprised three core principles, as follows: the State duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and the need for more effective access to remedies.

36. The Special Representative had conducted comprehensive research in 2006-2007, together with OHCHR, on the ways in which treaty bodies considered the roles of States parties, in regulating and adjudicating corporate activities in light of human rights. He had concluded that:

(a) The treaties, as interpreted by the treaty bodies, required States to play a key role in regulating and adjudicating corporate activities regarding rights capable of abuse by private parties, at least concerning activities affecting individuals within States' effective control. This role was generally considered as part of the State duty to protect against abuse by third parties;

(b) No treaty body had elaborated dedicated general comments or recommendations specifically relating to State duties vis-à-vis corporate activities. However, general comments and recommendations, concluding observations, opinions and decisions from the past decade imposed increasing pressure on States to fulfil the duty to protect in relation to corporate activities, regardless of whether the relevant entities are State-owned;

(c) According to treaty bodies, States must generally monitor compliance by third parties and in most cases introduce legislative measures to prohibit abuse and proscribe certain behaviour;

(d) Concluding observations focused on the State duty to protect vis-à-vis business activities rather than any direct obligations for business enterprises under international law.

37. There were several areas in which the treaty bodies might assist States parties, corporations and individuals to understand their rights and obligations better. Those included: (a) the scope and content of the State duty to protect vis-à-vis corporate activities; (b) whether States should regulate the acts of natural persons within offending enterprises or the enterprise itself; (c) whether the treaties require States to regulate the overseas acts of "their" corporations; (d) the nature of States' obligations regarding State-owned or controlled companies; and (e) the nature and origin of corporate responsibilities under the treaties.

38. Participants welcomed the information provided but emphasized that the responsibility to protect human rights was an obligation of States parties which should be held accountable for violations committed by private actors, including transnational corporations and other business enterprises. Concern was also raised regarding the lack of information received from NGOs and national human rights institutions on corporate activities and their impact on human rights. Their monitoring role was perceived as essential in this area. The role of the media was also considered to be a valuable tool which could bring attention to human rights violations perpetrated by transnational corporations and other business enterprises.

XI. Dialogue on the United Nations study on violence against children

39. The focal point on the follow-up to the United Nations study on violence against children noted that the independent expert leading the study had presented a progress report (A/62/209) to the General Assembly in October 2007. According to the report, the study had succeeded in raising global awareness of a problem frequently hidden and in providing a structured framework for action. However, inadequate implementation of legal frameworks, as well as reactive and fragmented efforts, insufficiently funded and focusing narrowly on symptoms and consequences of violence, remained a threat to sustainability and long-term success in the protection of children from violence. The need to invest further in prevention, training, recovery and social reintegration services, as well as to strengthen data-collection systems on violence against children were highlighted as priorities in the progress report. The report further stressed that, while some progress was evident in such areas as violence in educational settings, trafficking, commercial sexual exploitation and some forms of child labour, little evidence was provided with regard to progress in addressing violence in the home and family, violence related to new technologies, violence in care and justice institutions or violence perpetrated by State agents and gangs.

40. Possible areas of cooperation with treaty bodies were discussed. For instance, a list of standard questions on violence against children under the different treaties to be included in the lists of issues could be developed. Treaty bodies could consider

developing joint general comments on issues related to violence against children or including specific focus on related issues in general comments addressing a broader population. The same would apply to days of general discussions. In the context of country visits and/or inquiries, treaty bodies were encouraged to systematically include a specific focus on children, including through meetings and consultation with the children themselves and with child-focused governmental agencies and institutions and NGOs. The Committee against Torture and the Subcommittee were particularly encouraged to visit places where children were deprived of their liberty.

41. Participants stressed that both NGOs and national human rights institutions had a fundamental role to play in monitoring violence against children. The need to develop indicators was highlighted. Participants agreed that a discussion on the respective approaches of treaty bodies to violence against children would be essential.

XII. Points of agreement of the seventh inter-committee meeting

42. The seventh inter-committee meeting decided on the following points of an agreement, to be transmitted to the twentieth meeting of chairpersons:

Inter-committee meeting

(a) The seventh inter-committee meeting reiterated the view that the inter-committee meeting provided a useful forum for discussing matters of mutual concern and strengthening coordination among the treaty bodies, and recommended that the General Assembly consider the possibility of convening such meetings on a regular basis.

(b) Further to the recommendation of the sixth inter-committee meeting that the inter-committee meeting should meet twice annually, the seventh inter-committee meeting recommended that one of its two annual meetings be dedicated exclusively to the improvement and harmonization of working methods of the human rights treaty bodies.

(c) The seventh inter-committee meeting decided that the agenda items for the eighth inter-committee meeting would be the following: the revised treaty-specific guidelines; follow-up to concluding observations; consideration of a State party in the absence of a report; and the universal periodic review mechanism of the Human Rights Council.

Revised harmonized reporting guidelines

(d) Noting that some treaty bodies had adopted revised guidelines for treaty-specific documents on reporting under the international human rights treaties, the seventh inter-committee meeting encouraged the remaining treaty bodies to complete the adoption of their revised guidelines by the end of 2009. It reiterated that the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (as contained in document HRI/GEN/2/Rev.5) should be used by States parties when submitting a report to any human rights treaty body.

Follow-up to concluding observations

(e) The seventh inter-committee meeting reiterated its previous recommendation that each treaty body consider adopting a procedure to ensure effective follow-up to concluding observations, such as the appointment of a rapporteur on follow-up or any other appropriate mechanism. It also recommended that additional resources be allocated to follow-up activities, especially for workshops, meetings and country visits and that treaty body members be more involved in those activities;

(f) The seventh inter-committee meeting noted the importance of follow-up to concluding observations and recommended that a working group on harmonization and/or identification of best practices in respect of follow-up be established either intersessionally or during the eighth inter-committee meeting, consisting, among other things, of the rapporteur for follow-up on concluding observations of each treaty body, if applicable, or the members responsible for follow-up activities. The working group should report back to the ninth inter-committee meeting in 2009 on its findings.

(g) The seventh inter-committee meeting recommended that any follow-up provide for a periodic qualitative assessment of the implementation of concluding observations. Such assessment should be conducted in open meetings.

Follow-up to decisions on individual complaints

(h) The seventh inter-committee meeting also reaffirmed the importance of consolidating, and possibly strengthening, the procedures in place for following up on decisions on individual complaints.

Consideration of a State party in the absence of a report

(i) The seventh inter-committee meeting noted that the absence of State party reports on treaty implementation, including initial reports, affected all treaty bodies. While the consideration of a report, as well as the establishment of a constructive dialogue with States parties, will always be the objective of treaty bodies, long overdue initial and periodic reports would seriously hamper the monitoring mandate of treaty bodies and the implementation of treaty provisions. Non-reporting States should be reminded of their overdue reporting obligations and encouraged to report, and, as a last resort, treaty bodies should consider reviewing the implementation of treaties in the absence of a report and adopt concluding observations in that respect.

(j) The seventh inter-committee meeting requested the Secretariat to produce a list of non-reporting States, including initial and periodic. Each non-reporting State should be considered in accordance with its specific situation, taking into account, in particular, the overdue period, the human rights situation in the country and any specific difficulties that the State party might face. OHCHR is encouraged to engage in capacity-building and technical assistance activities, in particular, through its regional and field presences.

Human Rights Council

(k) The seventh inter-committee meeting took note of the proceedings of the first two sessions of the universal periodic review mechanism. It recommended that the secretariat routinely make available to the treaty bodies the compilations prepared by OHCHR, in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1. Concluding observations and recommendations of all treaty bodies should be given due regard in the compilation of United Nations sources prepared by OHCHR. Treaty bodies may consider referring to the pledges and commitments made by States parties in the course of the universal periodic review in their dialogue with States parties. The seventh inter-committee meeting also commended the practice of certain treaty bodies of designating observers to follow the universal periodic review in the Council and suggested that that practice be extended to all treaty bodies.

(l) In the light of the additional resources provided to the OHCHR for the universal periodic review process, the seventh inter-committee meeting recommended that OHCHR request additional financial resources, and ensure appropriate internal resource allocation, to service more efficiently the work of the treaty bodies, inter alia, as a result of the additional ratification of human rights instruments resulting from the universal periodic review, as well as the overall enhancement and development of the treaty body system.

Independence of experts

(m) The seventh inter-committee meeting reaffirmed the solemn statement made by the eighth meeting of persons chairing the human rights treaty bodies (A/52/507, paras. 67-68) in 1997 about the necessity to safeguard the independence of treaty body experts.

Access to treaty body deliberations

(n) The seventh inter-committee meeting recommended that OHCHR explore alternative means of facilitating the broadest public access to the treaty body public examinations of periodic reports, including the possibility of webcasting and using other modern technologies.

Cooperation with non-governmental organizations

(o) The seventh inter-committee meeting underlined the value of broad NGO participation, including equitable geographical representation in the work of treaty bodies. The secretariat was encouraged to facilitate the participation of national NGOs from all countries, and in particular from developing countries.

(p) The seventh inter-committee meeting reiterated previous recommendations that NGOs send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account, including for the preparation of lists of issues, and to continue to disseminate the conclusions of the treaty bodies and report on their implementation.

National human rights institutions

(q) The seventh inter-committee meeting reiterated its previous recommendations that treaty bodies continue their cooperation with national human rights institutions that conform to the Paris Principles (General Assembly resolution 48/134, annex). In addition, it encouraged continued dialogue with the bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to enhance and strengthen the interaction between national human rights institutions and treaty bodies, in line with the current practice of certain treaty bodies.

Form and structure of lists of issues

(r) The seventh inter-committee meeting acknowledged the usefulness of lists of issues prepared and transmitted to States parties in advance of the consideration of initial and periodic reports. While the content of lists of issues remains at the discretion of each treaty body, within its competence, the inter-committee meeting may wish to identify and discuss best practices in relation to their format and the structure, especially in order to address more focused lists of issues to State parties.

Joint general comments

(s) In the light of previous experiences of treaty bodies, the seventh inter-committee meeting noted the usefulness of exploring the possibility of issuing joint general comments. It encouraged treaty bodies to actively consider the discussion and adoption of joint general comments and reiterated that such general comments should only refer to common thematic issues, not treaty provisions, and recommended that OHCHR actively support such a process.

Terminology and cross-referencing the work of other treaty bodies

(t) The seventh inter-committee meeting requested the Secretariat to inform the inter-committee meeting of the practices of treaty bodies with regard to terminology and cross-references to the work of other treaty bodies. The inter-committee meeting will revisit this issue in the course of 2009.

Ratification of the core international human rights treaties

(u) The seventh inter-committee meeting reiterated that, in their constructive dialogue with States parties and in their concluding observations, all the treaty bodies should actively promote ratification of the other core international human rights treaties, consistent with their working practice, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Statistical information relating to human rights

(v) The seventh inter-committee meeting welcomed the report submitted by the Secretariat in pursuance of the recommendations of the fifth and sixth inter-committee meetings regarding the use of statistical information in monitoring the implementation of human rights (HRI/MC/2008/3). It encouraged the Secretariat to take the work forward, including through further validation at the country level, at the level of specific treaty bodies and by developing appropriate resource materials and tools to operationalize and disseminate its work. In undertaking that task in collaboration with relevant United Nations entities and other institutions, such as national human rights institutions, the Secretariat should bear in mind the need to contextualize further the adopted framework for identifying indicators and statistical information in accordance with the requirements of different treaty bodies. The Secretariat was requested to brief all treaty bodies periodically, especially those that had not yet been briefed, as well as to consult with them and, in its next report to the inter-committee meeting in 2009, to present a timeline for the completion of a full set of indicators.

The United Nations Study on Violence against Children

(w) The seventh inter-committee meeting highlighted the important role played by all human rights treaty bodies in promoting the implementation of the recommendations of the United Nations Study on Violence against Children and addressing violence-related issues through their work. The inter-committee meeting further acknowledged the need for a thorough exchange between the treaty bodies on the different approaches to violence against children and for more focused attention on prevention of violence.

Business and human rights

(x) Following the interest expressed by participants during the sixth inter-committee meeting in continuing to engage with the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, the seventh inter-committee meeting recommended that treaty bodies encourage NGOs and national human rights institutions to provide them with information on human rights abuses perpetrated by transnational corporations and other business enterprises.

Another serious element that came to light was the fact that in return for the money received from the terrorist Santiago Álvarez through the United States diplomats, the mercenaries in Cuba provided assistance to Álvarez in having his prison sentence reduced. Álvarez was then on trial for possessing a weapons arsenal intended for violent action against Cuba. As part of his defence, the mercenaries sent documents from Havana which helped the terrorist to present himself as a purported benefactor of the cause of human rights.

Cuba considers it a matter of the utmost gravity that United States diplomats in Havana have conspired with Cuban-based mercenaries in the service of the United States, and acted together with a Florida State judge and with defence lawyers to reduce the sentence of the terrorist Santiago Álvarez, making use of a document drafted and transmitted through the United States Interests Section in Cuba and its communication channels.

As stated in the attached document, it must be stressed that such actions are a violation not only of Cuban and United States law, but also the conventions and rules of international law. Cuba insists that the United States Government conduct a thorough investigation into these serious actions, and hopes that the results of the investigation will be made public.

In that regard, I should be grateful if you would have the present letter and its annex circulated as documents of the General Assembly under items 66, 67, 81 and 101 of the provisional agenda, and as documents of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador, Permanent Representative of Cuba

Annex to the letter dated 30 June 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Press conference held at the Ministry of Foreign Affairs of the Republic of Cuba on 22 May 2008 by His Excellency Mr. Felipe Pérez Roque, Minister for Foreign Affairs, to the national and international press

I have invited you here today to call on the President of the United States, the Secretary of State Condoleezza Rice and the Government of the United States to give answers and to stop avoiding the questions still hanging in the air about the revelations made public regarding the murky relations between the anti-Cuban terrorism in Miami, the United States diplomats accredited to Havana and the United States mercenaries active inside our country.

I have called you here to reiterate Cuba's request, which the President, the Secretary of State and the Government of the United States must answer. We have a right to know. You, journalists, public opinion, the people of Cuba and the people of the United States deserve to know about the murky plot that has not yet been fully brought to light, concerning the astonishing connections about which so much information has been made public in recent days.

We call on the President of the United States, on the Secretary of State and on the United States Government to stop avoiding the issue, to stop making excuses, to stop keeping silent, to stop hiding. We call on them to face up to and answer the serious accusations that have been made. I have also invited you here in order to respond to the farcical performance of the President of the United States yesterday in the White House.

Three days ago we denounced the scandalous conduct of United States diplomats here in Havana, and in particular of the Chief of Mission of the United States Interests Section, in facilitating contact and financial transfers between the terrorist Santiago Álvarez and mercenary groups inside Cuba.

The United States Government has thus far not denied the charges, and has avoided commenting on the illegal conduct of its staff, who were caught in the act, serving, plainly and simply, as the messengers of a terrorist who, moreover, is serving a prison sentence in the United States.

Let us recall the answers given by Mr. McCormack, the State Department Spokesman, when asked about the issue.

He was asked directly, "Is there any policy that prevents U.S. diplomats from being a means of delivering cash to those who may be dissidents in Cuba?" The question was whether there was any policy preventing those activities. He answered, "I'm not aware of the mechanics or the regulations that guide it."

The journalist asked him again, "The accusation from the Cubans is that the head of the Interests Section has been delivering cash from private U.S. groups" — the term "private groups" being used here for a violent, terrorist group, for a man imprisoned in the United States — "from private U.S. groups to the political opposition" — the term "political opposition" referring to what we have seen over

the last few days, to greedy mercenaries squabbling among themselves. When it was put to him that according to Cuba, the Chief of Mission of the Interests Section was involved in the matter, the Spokesman answered, "I don't know the specifics of this. I am not aware of the mechanics."

He is asked again, "But (...) the head of the Interests Section, can he go ahead and wire money or send money?" He answers, "Look, I can't — you know, I'm not here to talk about the specific mechanics of this. I'm sure we can find some expert."

Then a journalist says to him, "You're kind of here to answer the questions we have." In short, if you are not here to answer questions, then why are you here?

Those were the evasive, incoherent answers given by the official, authorized State Department Spokesman.

As you will understand, we were very amused as we watched the scene unfold.

The Assistant Secretary of State for Western Hemisphere Affairs, Mr. Thomas Shannon, was subsequently asked about the issue and said, "The United States has a well-known policy of assistance to the Cuban people (...). And we will continue that practice and policy."

We are back to square one. Are such practices authorized or not? Does the United States Government support or oppose them?

The Assistant Secretary of State has only evasive answers and stock phrases to offer, which tell us nothing new. However, in addition to evading the issue, those answers show a brutal cynicism. To say that there is "a well-known policy of assistance to the Cuban people", while speaking on behalf of a Government that has intensified the policy of embargo and persecution of the Cuban people to schizophrenic levels, in an attempt to smother us and kill us off through hunger and disease, is pure callousness. Nor does it answer the question.

Next came the United States Interests Section, which did not show up but issued and disseminated a statement which, as was to be expected, was sent from Washington, D.C. What points emerge from the statement of the Interests Section, which did not show up?

It said that the Interests Section allowed private United States organizations to "do so as well". I assume it meant that to "do so as well" referred to something that the Chief of Mission had already done. It also stated that "The assistance has no political purpose, but is intended to address the day-to-day needs of families who are struggling to survive in the current system."

That much was said by the Interests Section.

It appears to us that a full answer has not yet been provided to these very serious accusations. We should therefore like to stress once again the gravity of the situation. We insist on the need for a public appearance and an answer to public opinion.

The United States Government has acted cynically. Under the laws and regulations of its embargo, it deprives Cubans resident in the United States of the right to send remittances to relatives in Cuba. Yet that same Government has, through its diplomatic representatives, acted as an intermediary for terrorists such as Santiago Álvarez and his accomplices to send money to Cuba. That money was

intended not for their families but for mercenaries, in order to promote subversion in Cuba and to bolster a policy of embargo and aggression against our country. Such action has nothing to do with humanitarian aid: the money is intended to pay for the services of agents and mercenaries.

It is the height of cynicism that the very same diplomats who supervise the policies preventing Cubans in the United States from sending remittances, economic assistance, to their families in Cuba, should also act as couriers, emissaries channelling funds to mercenary groups in Cuba. This is a truly remarkable event in the annals of Cuban diplomatic history.

It has thus far been clear that the United States Government is unable to respond seriously to the allegation. We should therefore like to reiterate clearly the events that we exposed this week, which are of the utmost gravity.

Three key elements stand out from the many facts that have been made public. First, diplomats at the United States Interests Section helped send funds from the notorious terrorist Santiago Álvarez, who is based in the United States and was arrested there. Those funds were directed to mercenaries active inside Cuba on behalf of United States policy. Indeed, the diplomats also acted as moneylenders in a tight situation: the Chief of Mission advanced some funds to cover the mercenaries' expenses, in order then to recover them from Santiago Álvarez. That much is a fact.

The second fact, which is also very serious, is the assistance provided by the mercenaries to Álvarez, in return for the funds received from him though the diplomats, or to put it another way, to repay him for funds received. Álvarez had been arrested in the United States, and was standing trial there for possessing a weapons arsenal intended for violent actions against Cuba. The mercenaries helped him to obtain a reduced sentence by providing him with documents sent from Havana, which allowed the terrorist to portray himself as a benefactor of the cause of human rights, as someone who supports groups in Cuba that struggle for human rights. This allowed him to obtain a reduced sentence.

We therefore have a case where Cuban mercenaries based in Cuba facilitate documentation, through the United States Interests Section, for use in the trial of a terrorist accused of possessing an arsenal of weapons intended for operations against Cuba, as a means of enabling him to obtain a shorter sentence. A situation of the utmost gravity.

It seems to me that we need to focus in particular on the content of two documents presented this week. The first is a message from Carmen Machado to Martha Beatriz Roque, in which Carmen Machado — a close associate of the terrorist Santiago Álvarez — writes as follows:

"I wanted to ask you a big favour" — this is addressed to Martha Beatriz Roque. "If you can't manage it, don't be embarrassed and don't worry because our Friend" — Santiago Álvarez — "will understand. I need a letter from you — signed by you — explaining the relationship that we have had with the Fundación Rescate Jurídica and stating that you knew that the main contributor" — to that support and that relationship — "was Santiago Álvarez. We need a letter where you state this."

"The letter would be addressed to Judge James Cohn" — the judge who is hearing this man's case. "This judge is the one who will have the last word on the length of our Friend's sentence and the person who can cut the sentence to what he

was promised." Santiago Álvarez has been promised a reduction in his sentence, and for that to happen, the judge needs to be given a letter saying that Santiago was helping the mercenary groups here in Cuba that — according to the United States Government — are fighting for human rights. "This letter would only be seen by our" — the terrorist's — "lawyers", she said, "and by Judge Cohn." The prosecutor, representing the State, would neither have access to nor see the letter.

In other words, Cuban mercenaries write a letter to help a defendant obtain a shorter sentence; the United States Interests Section in Havana helps them in this, and they conspire against the prosecutor, who in turn represents the State, to ensure that it does not know about the letter, which can only be seen by the judge and the defence lawyers. "The help that we have given to you and other relatives of political prisoners (Biscet) and those we have still to help. That would give him legitimacy in his" — Santiago's — "trial."

"If you can do this, I would be eternally grateful." They make this request. And Martha Beatriz Roque and other mercenaries in Cuba write the letter and send it.

There then appears another document in which Martha Beatriz Roque says the following to Carmen Machado:

"I have to tell you that there is a major problem with the document that I prepared and sent to you regarding the money received." Received from whom? From Santiago Álvarez. "The young woman at the Roosevelt Centre" — there in the United States Interests Section — "lost the original with my signature. As you can imagine, if she works in the United States Interests Section, she also works for State Security" — I don't know why she made this association or this accusation against the young woman who works in the Roosevelt Centre. "I informed Michael Parmly of this," the mercenary said, "and they agreed that they would see what they could do" — to find the original of the letter that had been lost. The copy has been used there, but the original cannot now be found. "It is a major problem, since State Security is bound to produce the original document on the 'Mesa Redonda' television programme or in a book." She continued: "I wanted you to know this and to tell my friend, of whom I am also proud." Because he had sent her a message to say that he was proud to see how she was fighting to have his sentence reduced.

I want to stress the seriousness of this matter: United States diplomats in Havana have conspired with mercenaries working for the United States here in Cuba to obtain, in conjunction with a judge in Florida and the defence lawyers, a reduction in the sentence handed down to the terrorist Santiago Álvarez, by means of a document produced and sent through the United States Interests Section and its communication channels.

I believe, therefore, that the United States Government needs to respond to this new axis linking terrorists of Cuban origin in Miami, United States diplomats and United States mercenary groups in Cuba; this axis that moves money around, conspires against justice and works to promote subversive activity against Cuba. This is a second element; Cuba expects the United States Government to investigate thoroughly this serious matter, and Cuba expects the results of the investigation to be made public. We have the right to know.

There is a third element which has come to light this week. I have already mentioned the first, the involvement of United States diplomats in moving money

around between terrorist and mercenary groups in Cuba, and the second, the involvement of those same diplomats in a conspiracy to help obtain a shorter sentence for a detained terrorist. The third is the illegal activity of the United States Interests Section in Havana, which encourages, funds, organizes, manages and monitors in detail — in real detail, remember that comment "CNN, wow!", in other words, right down to the detail of the coverage being given to who they are and what they do — it monitors, manages, funds and organizes the provocative activities carried out by mercenary groups in Cuba to destabilize public order in our country. These are three very serious elements involving United States diplomatic personnel in Havana.

Also irrefutably demonstrated, I believe, is the mercenary nature of these so-called dissident groups, their willingness to sell out to foreign paymasters, how they receive guidance and money now not just from the United States Government but even from terrorist groups, from anyone in fact who is prepared to put up the money.

I want to stress that these activities are in breach of Cuban laws, in breach of United States laws and in breach of the conventions and rules of international law.

What would happen if Martha Beatriz Roque, or the mercenaries who have been talked about in recent days, lived in the United States and were accused of receiving money from a terrorist group acting against the United States through Cuban or other foreign diplomats? What would have happened if they were found out and tried in the United States for receiving money from terrorist groups that wanted to act against the United States? What does United States law provide? What was it that President Bush said? "If anybody harbours a terrorist, they're a terrorist. If they fund a terrorist, they're a terrorist." Wasn't that what he said?

We therefore now ask: What does the United States Government know about all this intrigue? What does the Secretary of State know? What does she have to say? Did she know that her diplomats were acting in this way in Havana? Now that she does know, what does she think? Does she approve of her diplomats acting as couriers? Does she support Mr. Parmly in his activities as a courier and go-between, delivering money from terrorist groups to mercenary groups in Cuba? What do they have to say? What does the United States Government say? It had better say something.

Does it oppose and condemn these acts, or is it covering them up, condoning them and supporting them? What does the United States Government say? What has it investigated? What does it have to say about this new axis linking terrorist groups, United States diplomats and mercenary groups? We call on the United States Government to drop its evasive, incoherent language and to address seriously matters of a gravity that cannot be played down or disguised.

That is the main thrust of my message today. The United States Government must speak, it must say whether it agrees with these actions, which are crimes under United States and Cuban law and in breach of international law, or whether it will investigate them.

For one thing, the illegal actions of the United States Interests Section in Havana are in breach of the bilateral agreement between the Governments of Cuba and the United States that gave rise to the creation of the interests sections. According to this agreement, dating from 30 May 1977, the interests sections were

established to facilitate communications between the two Governments and to carry on routine diplomatic and consular functions, in respect of which the two parties, the Governments of the United States and Cuba, reaffirmed their commitment to the provisions of the international treaties that govern diplomatic and consular relations. They thereby reaffirmed the content of those treaties.

What does the 1961 Vienna Convention on Diplomatic Relations — the key document here — have to say? It states that "the functions of a diplomatic mission consist inter alia in: representing the sending State in the receiving State; protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law; negotiating with the Government of the receiving State". In other words, the usual diplomatic functions, of which we are well aware. It also says that "promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations" is a duty and a function of diplomatic missions.

The United States Interests Section in Havana is attached to the Embassy of Switzerland in Cuba and all this is also a breach of and an offence against Swiss diplomacy, since the Swiss Embassy agreed to represent the interests of the United States in Cuba and ours in the United States and is therefore also placed in an extremely embarrassing situation.

I have described the functions of a diplomatic mission. Nowhere is it accepted that these functions include funding, lending money to, acting as a courier for, managing or organizing political groups that oppose the Government to which the mission is accredited; all these are violations.

Moreover, Article 41, paragraph 1 of the Vienna Convention states that "Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State", without prejudice to their privileges. I repeat, they have a duty not to interfere in internal affairs and to respect the laws and regulations of the receiving State. Article 41 also stipulates that: "The premises of the mission must not be used in any manner incompatible with the functions of the mission."

Turning the United States Interests Section into a headquarters and its premises into a convention centre for mercenary groups to carry out activities or plan conspiracies is in total breach of the Vienna Convention, and the United States Government knows it; an accredited diplomatic mission in the United States would not be allowed to act in this way. We therefore call on the United States Government to respond, to stop hiding, to show its face and explain to the public what it has to say about these serious and well-proven facts.

What is more, in the middle of this situation, the United States Interests Section yesterday staged and orchestrated a fresh provocation against Cuba. It organized a meeting at the residence of one of its officials at 7th Avenue, 24th Street in Miramar, a house which, as I have already mentioned, has become a kind of convention centre for the counter-revolution in Cuba and for the United States-based mercenary groups. It organized a spectacle there with all these people, some of whom have been completely unmasked in the last few days, for nothing more and nothing less than to listen to the speech given by President Bush. Right in the middle of this situation, as if what had already been said and discussed was not

enough. There they went to listen to the speech, to applaud, to rant and rave. Some said that they were really moved to see the President on television, that it was a truly enriching experience for them. That is what they said, which gives an idea of how some of these people have sold out to foreign interests.

So, there they went, they clapped, they thought that everything was great and they listened to President Bush's speech.

As regards that speech by President Bush and that whole spectacle at the White House, I have to say that it was a pathetic show, an irrelevant and cynical speech, a ridiculous act of propaganda in poor taste. That is all I have to say about yesterday, because really it must be acknowledged that President Bush is a spent force, a departing president, packing his bags before leaving for his Texas ranch, discredited, a politician who has been overwhelmingly rejected by his own country.

President Bush is less popular now than President Nixon was in the throes of the Watergate scandal when he was about to be forced out of office, which is quite a record, as has already been said. The American people are ashamed of him, the Republican Party candidates and those of his religious faith do not want to be seen in public with him and do not want his support, because that would affect their electoral prospects; he is a pariah, a man shunned by all. That is the reality of the matter. That is the current President of the United States, who is stepping down and leaving the Presidency, after having ordered illegal invasions, the killing of hundreds of thousands of civilians, torture, illegal flights and kidnappings; who appeared in public defending the use of torture; in other words, a man who followed a policy solely to serve his buddies, the powerful interests of the oil lobby and other American power groups.

That is the departing president. What is he leaving behind? What is his legacy? Well, yesterday, that spectacle put on for the usual audience, one of the few groups that still applaud him in the United States, the Miami-based Cuban mafia, which is a minority section of the Cuban community in the United States. He has nothing else to do, that was just a show, nobody pays him any attention. The election campaign is going on without him, people avoid him, if he shows up in one place, the Republican candidates head in the opposite direction, they want nothing to do with him, he has a bad effect on them, he gives them bad vibes. That is the man we see, irrelevant, regarded by everyone with a mixture of derision and disgust. That is the truth, that is the man before us. He stands there, threatens Cuba, utters four incoherent phrases, tries to say three phrases in Spanish. That is the pathetic, mediocre show we witnessed.

That is our opinion of his words.

But there is one matter that I must underline, because President Bush did something yesterday, in yesterday's speech, in the middle of that whole mediocre farce, which was to place a Miami singer on the same level as José Martí, to pay tribute to a Miami singer and to liken him to Cuba's national hero, José Martí; to do this in Washington, two days after the anniversary of the death in glorious battle of José Martí is a grave offence against the dignity of the Cuban people, which we condemn and reject in the name of that people. The Cuban people will never forget so serious an affront.

That is what we have to say, that is our reaction to these events and to yesterday's public appearance by the President of the United States.